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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/688,734

Filing Date: October 16, 2003

Appellant(s): SANCHO, ENRIQUE DAVID

Greg Peacock
Reg # 45,001
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 13, 2010 appealing from the Office action mailed March 12, 2010.

(1) Real Party in Interest

The Examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The Examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:
Claims 34-36, 40 and 43-44 are rejected.

(4) Status of Amendments After Final

The Examiner has no comment on Appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The Examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The Examiner has no comment on Appellant's statement of the grounds of rejection to be reviewed on appeal.

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the Examiner.

The rejection of claims 34-36 and 43-44 under 35 U.S.C. 101

The Rejection of claim 40 under 35 U.S.C. 112, second paragraph .

(7) Claims Appendix

The Examiner has no comment on the copy of the appealed claims contained in the Appendix to the Appellant's brief.

(8) Evidence Relied Upon

Pare Jr. et al. US Patent 6,269,348 06/2001

Glass et al. US Patent 6,332,193 12/2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

Claims 34-36, 40 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pare Jr. et al. (US Patent 6,269,348) in view of Glass et al. (US Patent 6,332,193).

1. As per claims 34 and 40

Pare Jr. et al ('348) a computer-implemented method for verifying a user and a user computer comprising:

receiving at a first server a first message from the user computer, the first server message including a first computer fingerprint file; (Column 11, lines 14-21 and 39-42) identifying the user computer based on information associated with a plurality of components included in the user computer;(column 12,lines 28-42) comparing the first computer fingerprint file against a second computer fingerprint file to verify the user computer, (Column 15, lines 35-49) the second computer fingerprint file including information associated with the plurality of components included in the user computer, and the second fingerprint file being accessible by the first server; (Column 11, lines 39-45)

Pare Jr. et al ('348) does not specifically disclose "receiving at a second server the second message from the user computer, the second server message including the a first identification for the user, the first identification being associated with based on the first computer fingerprint file identifying the user computer; and comparing, at the second server, the first identification for the user against a second identification for the user to

verify the user, the second identification for the user accessible by the second server; and after the comparing of the first identification for the user against the second identification for the user to verify the user, generating a third server message at the second server based upon the results of the comparison"; Glass et al ('193) discloses a "receiving at a second server the second message from the user computer, the second server message including the a first identification for the user, the first identification being associated with based on the first computer fingerprint file identifying the user computer; and comparing, at the second server, the first identification for the user against a second identification for the user to verify the user, the second identification for the user accessible by the second server; (Column 10, lines 30-35) and after the comparing of the first identification for the user against the second identification for the user to verify the user, generating a third server message at the second server based upon the results of the comparison. (Column 10, lines 30-58). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Pare Jr. et al ('348) reference in view of Glass et al ('193) in order to restrict prosecution of a transaction to a specific user/machine pair.

2. As per claim 35,

Pare Jr. et al ('348) discloses a method for verifying a user and a user computer comprising:
sending the first message to a vendor computer; and sending the second message to the

vendor computer.(Column 11, lines 45-48)

3. As per claim 36,

Pare Jr. et al ('348) discloses a method according to claim 35 further comprising:
authorizing an action by the vendor computer only if both the first message
contains information indicating the user computer was verified and the second message
contains information indicating the user was verified.(Column 11, lines 39-42; Figure 6)

4. As per claim 43,

Pare Jr. et al ('348) discloses the method of claim 34, wherein the first mini-server and
the second mini-server are associated with a clearinghouse computer. (Figure 7)

5. As per claim 44,

Pare Jr. et al ('348) discloses the method of claim 34, wherein the first mini-server is
associated with a first clearinghouse computer and the second mini-server is associated
with a second clearinghouse computer. (Figure 7)

(10) Response to Argument

In regard to claim 34, the Appellant states Pare Jr. et al. does not teach a first server
receiving a computer fingerprint file identifying a user computer based on information
associated with a plurality of components included in the user computer.

The Examiner responds that Pare Jr. et al. discloses an identification module comprising biometric data and Pin as well as a hardware identification code (Column 11, lines 15-21), The Examiner submits that because the hardware identification code uniquely identifies the users computer it teaches the claimed feature of “computer fingerprint file. The Appellant states that Pare's passage does not teach the first server's comparing operation.

The Examiner responds that Pare Jr. et al. discloses receiving biometric sample which includes a hardware identifier for identification and utilizing a database to determine if a stored value matched the received value (Column 11, lines 39-48) the Examiner submits that this teaches the claimed feature of “ identifying the user computer based on information associated with a plurality of components included in the user computer; comparing the first computer fingerprint file against a second computer fingerprint file to verify the user computer”

The Appellant states that Glass does not teach receiving a second identification message at a second server.

The Examiner submits that Glass discloses, a system that returns a previously generated token from a client to a server for authentication (Column 10, lines 30-38), since this token was previously generated the Examiner submits that the return of the token constitutes a “second message at a second server”. Furthermore the Examiner submits that claimed limitation regarding a second server are merely a duplication of a claim element and as such do not have patentable merit. Mere duplication of parts has no

patentable significance unless new and unexpected result is produced. In re Harza, 124 USPQ 378 (CCPA 1960)

In regard to claim 40 the Examiner states that the arguments applied to claim 34 are equally applicable to claim 40.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the Examiner in the Related Appeals and Interferences section of this Examiner's Answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

John Winter
/JMW/

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Supervisory Patent Examiner, Art Unit 3685

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